

NF

In The United States District Court For The Northern  
District of Illinois

Commodore Jackson

v.

Sgt. Sandoval # 1079, et al

RECEIVED

NOV 06 2019

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

Motion For Leave To File a  
Late Civil Rights Complaint

1:19-cv-07327

Judge: Amy J. St. Eve

Magistrate Judge: Jeffrey T. Gilbert  
PC 5

I.

- (1) Pursuant To The Federal Rules of Civil Pro-  
cedure That Would grant Access To This Court  
petitioner Submits This motion To File a Late  
Civil Rights Complaint. See Fed. R. Civ. P. Rule 6; (b)(1)

## II. "Reasons"

- (2) Petitioner Commodore Jackson contends That Danville  
CoRR. CTR. Mailroom Staff had Impeded Access To The  
Courts And Induced The untimely Filing of Civil  
Suits

(3) Thereby Returning Mail That had Been Forwarded To Civilian Office of Police Accountability and C.P.D. Bureau of Internal Affairs.

Plaintiff's Due Diligence in Attempting To Obtain Body Cameras Videos of Arrest and Seizure of his person and property was Precluded And Exhibit "A"

(4) Will Substantiate This Fact as petitioner Was Required To Sign for The Receipt of Outgoing Mail That had Been Specifically Forwarded To Above Listed Agencies.

(5) See Exhibit "A": "Legal / Privileged Mail Proct of Service Form." (Attached Hereto.)

Significantly Because Mail Was not Forwarded To Internal Affairs etc. due To Danville Mailroom Staff's Evil intent, negligence, and or Retaliation

(6) Plaintiff's First Amend. Right To Access The Courts Was Violated. see Lewis vs. Casey, 518 U.S. at 1351-53 (1996).

III

(7) Furthermore, it should be well noted that the exhaustion of administrative remedies regarding access to the courts denial has been satisfied in accordance to 42 U.S.C. Sec. 1997(e)(a). For more information see Exhibit "B":

(8) (1) Grievance Dated Dec. 7<sup>th</sup> 2018, (Numbered 92) Counselor Response thereto.

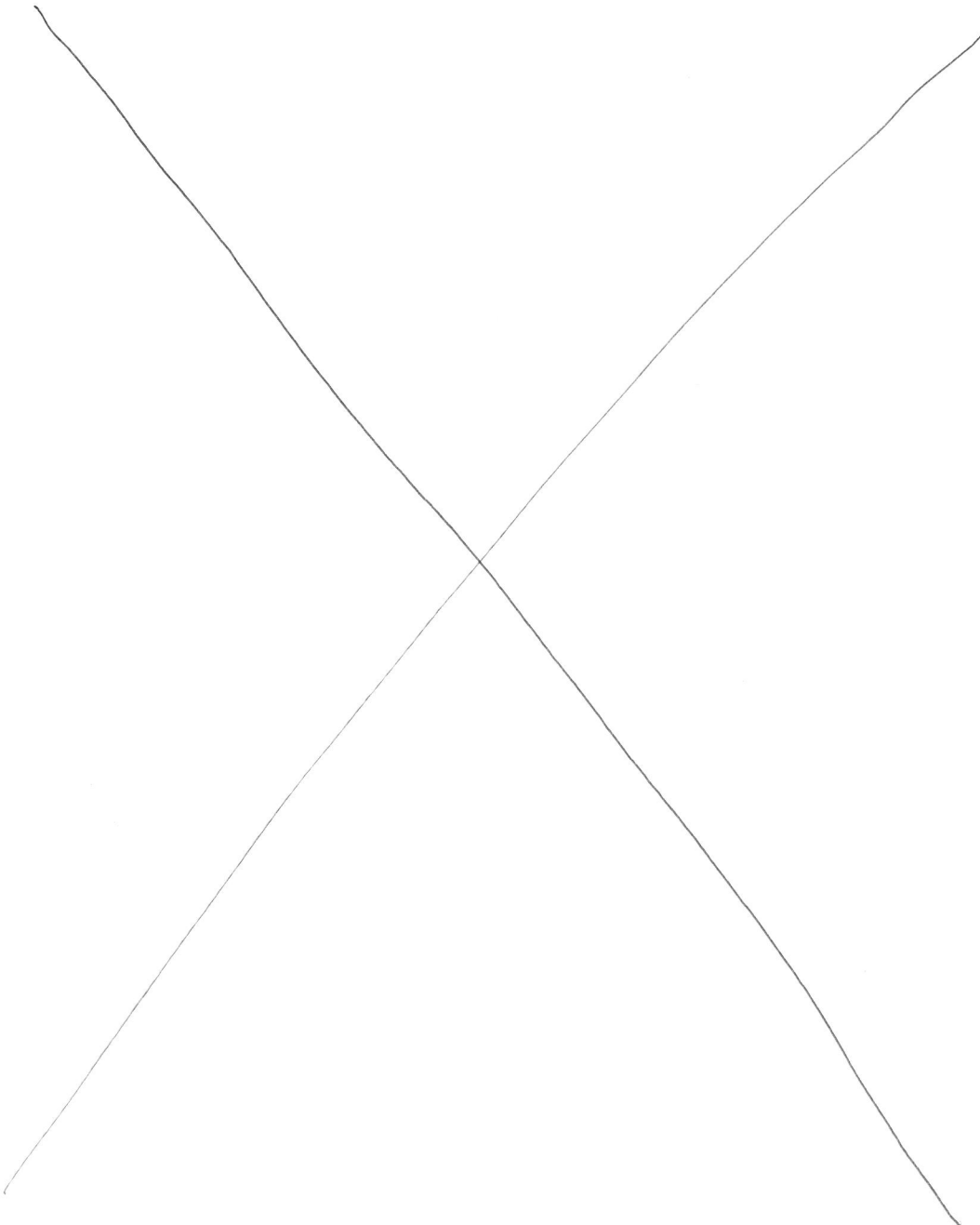
(2) Grievance Officer Response dated: April 30<sup>th</sup> 2019.

↓

(3) Admin. Review Board's Response dated June 4<sup>th</sup> 2019.

(Note: Above Exhibits Enclosed / Attached)

See Reverse Side



See Reverse Side



(9) However, Another Reason petitioner Request This Court To grant This Motion For leave To file a Late Civil Rights Complaint is The fact That petitioner had not seen the video's footage a full fifteen Months After Arrest. To Be understood more Clearly, Please Allow me The Chance To Expound.

IV.

(1) Plaintiff was Arrested On Approx. July 27-28<sup>th</sup> of 2017.

(2) Motion To Suppress Hearing had Been held prior To view of videos

(10)

(3) Plaintiff was shown videos On Oct. 23<sup>rd</sup> 2018. Which was One day prior To scheduled Trial Date.

Thus, The Tardy Access To Video Contents is One of The many Reasons Why petitioner's Knowledge

(See Reverse Side)

(11) of Officer Sandoval Misconduct Was Stagnated  
(U.S. Const. VI and XIV. Amdt. Rights Violations)  
see U.S. vs. Márquez-Pérez, 835 F.3d 153, 165-66  
(1st Cir. 2016).

(12) Significantly the fifteen month delay therewithout the  
view of video had led petitioner to believe that  
there was no video.

See Exhibit "C" a Response letter from  
The U.S. Dept. of Justice dated Feb. 27th 2019  
(Attached / Enclosed hereto)  
✓.

(13) But perhaps the most significant information  
is Exhibit "A," Where by Affidant petitioner swore  
that I had instructed Counsel Morgan to allow  
me to view the Disc. Please note, that the  
affidant had been notarized on Sept. 6th 2018  
trial was scheduled to commence on Oct. of  
2018. Counsel's inattentiveness delayed the filing  
of a civil action.

(14) Moreover, Because Officer Sandoval # 1079  
is Seen With unreported Money and  
Marihuana in his possession in At least  
Three of The Ten Body Camera Footages  
prison Officials Impeding of Mail  
Forwarding had prevented petitioner from  
filing a Forfeiture Claim, so as to

(15) Challenge The Seizure and or Seek The  
Return of property. U.S. Const. 1st, IV;  
V; VI; and XIV; Const. Rights violations.

Furthermore, Because plaintiff's phone pri-  
vileges were Terminated Coupled With The  
Thwarting of Mail Forwardings, plaintiff  
had had no Other Way To investigate  
Case / Access The Courts. see Turner vs. Safley  
482 U.S. 87 (1987).

- (16) Copia Officials Were Responsible also as several prior Freedom of Information Act Request and Complaints Requiring Investigation Was ignored Although if The inventory of Money and marijuana had Been properly noted and Recorded Such Misconduct on Behalf of Officer Sandoval #1079 Would have invoked The Exclusionary Rule and Therefore precluded Other Evidence That was seized from Being introduced at Motion To Suppress Hearing.
- (17)

## VI. Conclusion

Wherefore The Various Reasons Listed Above petitioner Jackson prays that this Court grant this motion for leave to file a late civil rights Complaint.

Commodore Jackson  
#259842  
3820 E. Main<sup>st.</sup>  
Danville IL.  
61834





Exhibit A

ILLINOIS DEPARTMENT OF CORRECTIONS  
DANVILLE CORRECTIONAL CENTER

**LEGAL / PRIVILEGED MAIL PROOF OF SERVICE**

Inmate Name: Jackson, Commodore Inmate Number: R59842

Housing Unit/Wing/Cell: 3D21 Date: 12/3/18

☒ Legal: Return to Sender

☐ Privileged: \_\_\_\_\_

☐ Express: \_\_\_\_\_

☐ Insured / Registered: \_\_\_\_\_

Name of Sender: COPA Guy Westensee Chief Investigator

Inmate's Signature: \_\_\_\_\_

Officer's Name: \_\_\_\_\_

Print Name

Sign Name

**Return White Copy to Mailroom.**

Distribution: Mailroom  
Inmate

Printed on Recycled Paper

DAN 0035 (Eff. 06/2005)  
(Replaces DCA 24109)

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ILLINOIS DEPARTMENT OF CORRECTIONS  
OFFENDER'S GRIEVANCE

3-D-21

000092

Date: <u>Dec. 7th 2018</u>	Offender: <u>Commodore Jackson</u> (Please Print)	ID#: <u>R59842</u>
Present Facility: <u>Danville CC.</u>	Facility where grievance issue occurred: <u>Danville CC</u>	

**NATURE OF GRIEVANCE:**

<input checked="" type="checkbox"/> Personal Property	<input checked="" type="checkbox"/> Mail Handling	<input type="checkbox"/> Restoration of Good Time	<input checked="" type="checkbox"/> Retaliation
<input checked="" type="checkbox"/> Staff Conduct	<input type="checkbox"/> Dietary	<input type="checkbox"/> Medical Treatment	<input checked="" type="checkbox"/> Civil Enforced Punishment
<input type="checkbox"/> Transfer Denial by Facility	<input type="checkbox"/> Transfer Denial by Transfer Coordinator		<input checked="" type="checkbox"/> ADA Disability Accommodation
<input type="checkbox"/> Disciplinary Report: <u>N/A</u>			<input type="checkbox"/> HIPAA
Date of Report: <u>N/A</u>			<input checked="" type="checkbox"/> Other (specify): <u>Access To Courts Violation Rules</u>
			Facility where issued: <u>N/A</u>

Note: Protective Custody Denials may be grieved immediately via the local administration on the protective custody status notification.

Complete: Attach a copy of any pertinent document (such as a Disciplinary Report, Shakedown Record, etc.) and send to:

Counselor, unless the issue involves discipline, is deemed an emergency, or is subject to direct review by the Administrative Review Board.  
Grievance Officer, only if the issue involves discipline at the present facility or issue not resolved by Counselor.  
Chief Administrative Officer, only if EMERGENCY grievance.  
Administrative Review Board, only if the issue involves transfer denial by the Transfer Coordinator, protective custody, involuntary administration of psychotropic drugs, issues from another facility except personal property issues, or issues not resolved by the Chief Administrative Officer.

Summary of Grievance (Provide information including a description of what happened, when and where it happened, and the name or identifying information for each person involved):

Pursuant To 504.810 grievant submits this grievance regarding the Facility Mailroom staff who had forwarded Outgoing Mail Back To grievant without following specific Mailroom policies. Said mail was properly addressed to Deputy Chief Administrator - Chief Investigator: Jay Westensee at 1615 W. Chicago Ave 4th Floor, Chicago, IL 60622. However, After receiving Orders from Chief Westensee to Contact CPD Bureau of Internal Affairs Regarding Complaint Log Number 1 Access To The Courts. 2 Reimbursement of Funds used To Forwarded Mail. 3 That Retaliation For Exercising Protected Conduct End. 4 Name of MailRoom staff Responsible For sending Mail Out.

Relief Requested: 1 Access To The Courts. 2 Reimbursement of Funds used To Forwarded Mail. 3 That Retaliation For Exercising Protected Conduct End. 4 Name of MailRoom staff Responsible For sending Mail Out.

☒ Check only if this is an EMERGENCY grievance due to a substantial risk of imminent personal injury or other serious or irreparable harm to self.

5 That Counselor Contact Deputy Chief Westensee For Grievant.

Commodore Jackson R59842 12, 7, 2018  
Offender's Signature ID# Date

Pg. 1 of 2 (Continue on reverse side if necessary)

<b>Counselor's Response (if applicable)</b>	
Date Received: <u>12, 19, 18</u>	<input type="checkbox"/> Send directly to Grievance Officer <input type="checkbox"/> Outside jurisdiction of this facility. Send to Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277
Response: <u>Spoke with mail room supervisor and she said that the U.S Postal Service sent your letter back to Danville CC</u>	
<u>Wilcox</u> Print Counselor's Name	<u>[Signature]</u> Counselor's Signature
	<u>12, 19, 18</u> Date of Response

<b>EMERGENCY REVIEW</b>	
Date Received: <u>12, 11, 18</u>	Is this determined to be of an emergency nature? <input checked="" type="checkbox"/> Yes; expedite emergency grievance <input checked="" type="checkbox"/> No; an emergency is not substantiated. Offender should submit this grievance in the normal manner.
<u>[Signature]</u> Chief Administrative Officer's Signature	<u>12, 11, 18</u> Date



Pg. 2 of 2

ILLINOIS DEPARTMENT OF CORRECTIONS  
OFFENDER'S GRIEVANCE (Continued)

000092

1091654 (1) Attempted To Respond With a Freedom of Information Act Requesting Significant Evidence Relating To Current Case of Imprisonment. (See People Vs. Jackson NO: 12235) Said Correspondence Was Returned Without Any "Reasonable Relationship" To A Legitimate Penological Goal. See Turner Vs. Saiz, 482 U.S. 87 (1987) Therefore The Thwarting Of Letter To Chicago Officer Of C.O. P.A. Was A Violation Of Grievant's U.S.C. - CONSTITUTIONAL 1st Amend. Right To Access The Court. U.S. Const. XIV. Amend. Violation Also. The State Is Thus On Notice Of Future Prosecution Of This Claim. Moreover, It Must Be Well Noted That Grievant Has Attempted To Follow The Instructions That Chief Westensee Ordered Thereby Writing CPD Bureau Of Internal Affairs. However, The Status On This Particular Correspondence Is Unknown. . . . Nevertheless, There Is Some Authority On This Particular Type Of Misconduct. See, Chappell Vs. Rich, 340 F.3d 1279, 12-03 (4th Cir 2003) Holding That "Interference With The Right Of Court Access By STATE AGENTS Who Intentionally Conceal The True Facts About A Crime May Be Actionable As A Deprivation Of Constitutional Rights". Significantly The Massive Forementioned Herein Was About A Criminal Investigation Into The Official Misconduct Of The Officer, Thus The Thwarting Of This Particular Due Diligence May Delay Filing Of Future Petitions And Other Legal Documents. See 42 U.S.C. 1997(e)(a). Danville CORR. CTR. Rule Book Grants Access To The Courts By Way Of Correspondence. Thus, I Am Inquisitive As To Why Such Predicates Are Ignored By Mail Room Staff. Moreover, Prisoner Correspondence Can Be Traced Back To Ancient Times. . . . And If Prison Staff Had Thwarted Those "Letters," We Would Not Be Blessed With The Holy Scriptures Of The New Testament. . . . End Of Grievance.



Exhibit: B-2

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Date Received: 2/7/19

Date of Review: 4/30/19

Grievance #:92

3-6-57

Committed Person: Jackson, Commodore

ID# R59842

Grievance Response: #92-- mail returned to offender --GRIEVANCE RESPONSE-- Grievant states that he tried to send out a letter and the mailroom returned it to him(Jackson). Offender states the letter was returned without any reason as to why it was being returned.

Relief Requested: Access to the courts. Reimbursement of the funds used to forward the mail. That retaliation for exercising protected conduct end. Name of mailroom staff responsible for sending mail out. That Counselor contact Deputy Chief Westensee.

Reviewed: Mailroom Supervisor Yerem states that the letter was sent back by the US Postal Service and not by this facility.

Recommendation: Based on a review of all available information this grievance officer recommends this grievance be Denied. Per Mailroom Supervisor Yerem, the letter was returned by the U.S. Postal Service and not this facility.

R. L. Lucas

Print Grievance Officer's Name

[Signature]

Grievance Officer's Signature

(Attach a copy of Committed Person's Grievance, including counselor's response if applicable)

## Chief Administrative Officer's Response

Date Received:

1 MAY 19

☒ I concur☐ I do not concur☐ Remand

Comments:

[Signature]

Chief Administrative Officer's Signature

Date

5, 1, 19

## Committed Person's Appeal To The Director

I am appealing the Chief Administrative Officer's decision to the Director. I understand this appeal must be submitted within 30 days after the date of the Chief Administrative Officer's decision to the Administrative Review Board, P.O. Box 19277, Springfield, IL 62794-9277. (Attach a complete copy of the original grievance, including the counselor's response, if applicable, and any pertinent documents.)

[Signature]

Committed Person's Signature

R59842

ID#

MAY 7th 2019

Date



Inmate Id:	R59842	Ret Form Ind:	
Name:	JACKSON, COMMODORE	Modify Ind:	
Chair Code:	DAWH	Deny Ind:	
Grv Type:	L	Favorable Ind:	
Grv Code:	MAILROOM	Deferred Ind:	
Receive Date:	05/31/2019	Moot Ind:	
Hearing Date:	00/00/0000	Grievance Number:	92
Mailing Date:	00/00/0000	Incident Number:	
Grv Loc:	DANVILLE CC	Incident Date:	00/00/0000
Hearing Loc:	DANVILLE CC	Incident Inst:	
		Date Received:	06/04/2019

**Comments:** GRV# 92 DTD 12/7/18 GRVS MAILROOM SENT OFFENDER'S LETTER TO BE MAILED OUT BACK TO OFFENDER WITHOUT AND EXPLANATION





**U.S. Department of Justice**

Criminal Division

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Washington, DC 20530-0001

February 27, 2019

Commodore Jackson #R-59842  
PO Box 112  
Joilet, IL 60434

Dear Mr. Commodore Jackson:

Thank you for writing the Attorney General. We have been asked to respond to you on his behalf.

Please understand that the Department of Justice can assume jurisdiction only when there has been a possible violation of the federal criminal statutes. From the information you provided, we are unable to ascertain whether any violations of this nature have occurred.

If you have reason to believe there has been a violation of the federal criminal statutes, and you have more specific evidence, you should contact your local Federal Bureau of Investigation (FBI) office, which is the investigatory arm of the Department of Justice. If the facts warrant, it will conduct an investigation and present the results to the appropriate United States Attorney's office for a prosecutorial evaluation. In the event any inquiry conducted by the FBI uncovers evidence of a violation of federal criminal law, the Department of Justice would be advised.

Additionally, the Department of Justice has no supervisory authority over local law enforcement. I suggest that you make your complaints known to the mayor or members of your city council, and perhaps the state's prosecuting attorney as well.

Again, we thank you for writing the Attorney General. We hope this information is helpful.

Sincerely,

Correspondence Management Staff  
Office of Administration

Reference Number: SB300687871

For further correspondence please email [criminal.division@usdoj.gov](mailto:criminal.division@usdoj.gov). Should you wish to speak to a representative please call (202) 353-4641 and provide the reference number.

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# Exhibit "A"

Attorney Samuel Morgan With The Following Instructions:

(2) \* To Allow Affiant To View Disc. and Footage Thereupon. \*

(3) To Perfect Impeachment Thereby  
 (a) Using Subpoena To mandate All Arresting Officers presense so That Testifying Officers Are Not Allowed To Circumvent Impeachment Thereby shifting Blame and Responsibility on Absent Officers.

(b) To Use Suppression Hearing Motion To Impeach Sgt. Sandoval's Testimony Regarding ICR (i.e. Contact Card).

(c) To display To The view of The Courts The inconsistencies between Sgt. Testimony and Actual position of Bathroom. Suppress Hearing Transcripts Pg. 19 Lines 22).

Subscribed and Sworn to before me this 11th Day of November 2018  
 OFFICIAL SEAL  
 K. SANKEY  
 NOTARY PUBLIC - STATE OF ILLINOIS

Commodore Jackson  
 Commodore Jackson



State of Illinois  
County of Vermillion

# Affidavit

That I Commodore Jackson, do hereby declare and affirm  
That the following information within this Affidavit is  
True and Correct in Substance and In Facts:

(1) That Everything stated in the Attached Motion for  
leave to file a Late Civil Rights Complaint is  
True and Correct.

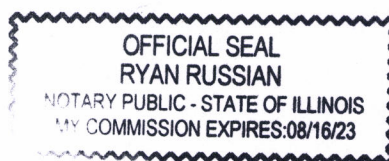
(2) That I Commodore Jackson had not been shown  
videos until a Day Before trial was to  
Commence.

(3) That I Commodore Jackson had seen Officer  
Sandoval #1079 in possession of unreviewed  
property in at least three Body Cameras  
videos.

That I declare under the penalty of perjury that Every-  
thing contained herein is True and Correct to the Best  
of my Knowledge and Belief.

State of Illinois  
County of Vermillion  
This instrument was acknowledged  
before me on

State of Illinois  
County of Vermillion  
This instrument was acknowledged  
before me on 10-30-19  
Ryan Russian



10-30-19

State of Illinois  
County of Vermillion

# Affidavit of Service

That I, Commodore Jackson, do hereby declare and affirm that the following information within this Affidavit is true and correct in substance and in facts:

(1) That Enclosed With this Affidavit is a Motion for leave to file a Late Civil Rights Complaint

(2) Above Motion for leave... is fifteen pages long

(3) That the following Documents are Attached:

(1) Legally Mailed, Proof of Service form

(2) Grievance (2 Pages) Dated: Dec. 7th 2018

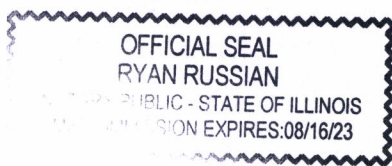
(3) Grievance Officer's Response Dated: April 30th 2019

(4) Administrative Review Boards Response

(5) U.S. Dept. of Justice Letter #SB300687871

(6) Affidavit Dated: Sept. 6th 2018

That Above mentioned Motion And Said Documents listed Above were Mailed On this 30 day of 2019 To The U.S. Dist. Courts at 219 S. Dearborn, Chicago IL. 60604. Further Affidavit sayeth Nought.



*[Signature]*  
11-30-19

State of Illinois  
County of Vermillion  
This instrument was acknowledged  
before me on 11-30-19  
By Ryan Russian

United States Courthouse  
20th Floor  
219 South Dearborn Street  
Chicago, Illinois 60604

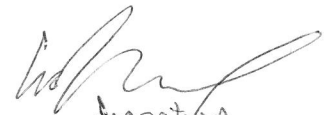
Oct. 30th 2019

Dear Clerk of The U.S. Courts:

Enclosed you will find a fifteen page Motion for  
leave to file a Hate Civil Rights Complaint  
under Fed. R. Civ. P. Rule 6,

Said Documentation is complete, therewith Exhibits,  
Affidavit of Facts; and an Affidavit of Service.

Please file said Motion and forward a filed  
stamped copy to the address below:

  
signature

Commodore Jackson  
#R59842  
3820 E. Main St.  
Darien, IL.  
61834

(Note: Motion and a Copy of Motion Enclosed.)



INMATE  
CORRESPONDENCE



From: Commodore Jackson  
#R59842  
Danville Corr. Inst.  
3820 E. Main St.  
Danville, IL  
61834



11/06/2019-10

1:19-cv-07327  
Judge: Amy J. St. Eve  
Magistrate Judge: Jeffrey T. Gilbert  
PC 5

TO: United States Courthouse  
Illinois Northern Dist.  
219 South Dearborn St.  
20th Floor

FILED

NOV 06 2019

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

2 02:08 AM 9-NOV-19

Chicago, IL

